THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION Nos.21120 and 21124 of 2006

12.10.2006

Between:

Koduru Krishnaiah, S/o.Venkatana Boyudu

And another

... Petitioners

AND

The Sarpanch, Upparapalli Gram Panchayat, Chittoor District

And others

... Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION Nos.21120 and 21124 of 2006

COMMON ORDER:

The petitioners in both the writ petitions are in occupation of small portions of land admeasuring Acs.0.02½ cents each in layout No.1855/12 situated at Pulavarapu Indlu Village of Upparapalli Gram Panchayat of Pakala Mandal in Chittoor District. The petitioners state that they are living there from the time of their forefathers by raising huts. They also allege that the Mandal Revenue Officer, Pakala Mandal (MRO), the second respondent herein, has allotted the land to the petitioners and therefore, they proposed to construct pakka houses. At that stage, it is alleged that the sarpanch of the first respondent pronounced that Gram Panchayat would not allow the petitioners to construct houses in layout No.1855/12 and that they would be evicted. Apprehending coercive action by the first respondent, the petitioners filed these writ petitions.

The petitioners have also annexed the proceedings issued by the MRO allotting the land to the petitioners. Based on this, learned Counsel for the petitioners contends that when the allotment is made validly by the MRO, the first respondent cannot prevent the petitioners from constructing houses. In view of this, learned Standing Counsel for Gram Panchayat was directed to get instructions in the matter, when the matter was heard yesterday. Today, learned Standing Counsel, after getting instructions from the sarpanch of the first respondent, submits that there is no necessity for the Gram Panchayat to evict the petitioners and that allegation that the sarpanch proclaimed to evict the petitioners is not correct. He submits that there is no such proposal. Therefore, this Court holds that the writ petition is filed on mere apprehension. If the petitioners want to construct pakka houses, they

may do so, after obtaining necessary permission from the Gram Panchayat under the provisions of Andhra Pradesh Panchayat Raj Act, 1994 and the Rules made thereunder.

The writ petitions, with the above observations, are accordingly disposed of. No costs.

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October 12, 2006. (**V.V.S.RAO, J**)

NOTE:
Issue order copy by
19.10.2006.
(By order)
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